

## FIRST SKIRMISH AGAINST SULZER

### Four Senators Who Voted For Impeachment Will Retain Their Seats.

### ALL MEMBERS VOTE

### Court Adopts Rules to Be Followed During the Hearing.

Albany, N. Y., Sept. 19.—Governor Sulzer's lawyers lost their first fight in the high court of impeachment today when the four senators challenged by the defense were permitted to retain their seats.

The vote, which was on the question of whether the court should entertain the challenges, was unanimously against such procedure. The four senators directly concerned, Frawley, Wagner, Ramsperger and Sanner, did not vote.

Immediately following the vote of the court, the reading of the long articles of impeachment was begun. Although Presiding Judge Cullen had the right to decide the question of the qualifications of the senators for holding their seats, he did not take advantage of this prerogative.

In his argument Judge Herrick stated that the objection to Senator Wagner was based on the fact that "as acting lieutenant governor he is interested in the result of the trial, as in the event of the conviction of the respondent, he would succeed to the dignity, profits and emoluments of the office of lieutenant governor."

"In this case," said Judge Herrick, "in some respects, is the greatest since the impeachment trial of President Johnson. It has aroused the country. There can be no question that the senators on the Frawley committee have formed and expressed opinions on every article of impeachment."

Judge Herrick then read the articles of impeachment as adopted by the assembly, declaring that the defense's challenge is founded on "the right to seek trial by an impartial tribunal—one that is not prejudiced in advance." He cited court opinions bearing on the absolute necessity of all the judges being uncontaminated by bias.

"Every member of this high court," he said, "should be free from even a suspicion of bias, in order that the governor might be given such fair treatment as is accorded the meanest criminal accused of the smallest crime."

At the completion of his arguments he formally challenged the right of the four senators to sit.

vote on each article, either 'guilty' or 'not guilty,' and when the roll call shall be completed on each charge, the result on each charge shall be announced and shall be entered on the records of the court. If two-thirds of the members present shall concur in the finding guilty, upon any one or more of said articles, the president of the court shall in the same manner put, and the members of the court shall in the same manner answer separately the further questions:

"Shall William Sulzer be removed from his office of governor of this state, for the causes stated in the article (or articles) of the charges preferred against him on which you have found guilty?"

"Shall William Sulzer be disqualified to hold any office of honor, trust or profit under this state?"

"And the final judgment of the court shall be certified by the president of the court and the clerk of the court."

D. Cady Herrick, leading counsel for Governor Sulzer, argued in behalf of the challenges he announced yesterday. He would make to the sitting members of the court of Acting Lieutenant Governor Wagner and Senators Frawley, Ramsperger and Sanner. His contentions were opposed by Judge Alton B. Parker.

At the close of the arguments on the qualifications of the senators to serve on the impeachment court, Judge Cullen said it was his opinion that the challenges could not be entertained. He added, however, that he would permit the entire court to vote on the question after expressing his views.

The court voted unanimously not to consider the challenges of the four senators to sit in the Sulzer hearing.

In his argument Judge Herrick stated that the objection to Senator Wagner was based on the fact that "as acting lieutenant governor he is interested in the result of the trial, as in the event of the conviction of the respondent, he would succeed to the dignity, profits and emoluments of the office of lieutenant governor."

"In this case," said Judge Herrick, "in some respects, is the greatest since the impeachment trial of President Johnson. It has aroused the country. There can be no question that the senators on the Frawley committee have formed and expressed opinions on every article of impeachment."

Judge Herrick then read the articles of impeachment as adopted by the assembly, declaring that the defense's challenge is founded on "the right to seek trial by an impartial tribunal—one that is not prejudiced in advance." He cited court opinions bearing on the absolute necessity of all the judges being uncontaminated by bias.

"Every member of this high court," he said, "should be free from even a suspicion of bias, in order that the governor might be given such fair treatment as is accorded the meanest criminal accused of the smallest crime."

At the completion of his arguments he formally challenged the right of the four senators to sit.

As Judge Herrick closed, Judge Alton B. Parker rose and began to speak without notes.

"I shall contend before you with out authority to exclude from its membership any member. The people of the state of New York are sovereign. They said in the beginning that this court shall be composed of the court of appeals and the senate and you are without power to say to any member, whether judge or senator, 'You shall not sit in this court.'"

Judge Parker declared that the state constitution made no provision for judge, senator or counsel to challenge any member of the high court.

Citing precedents established in the trial of the impeachment of President Andrew Johnson and other executives and judicial officers, he argued that the people of each senate district in the state were entitled to the vote of their representative.

San Francisco, Sept. 19.—As the climax of an all-night joy ride, Mrs. Kate Coulson, 35 years old, was shot in the neck early today and probably will die, while George Kovack, night watchman in a garage, and William Acker, chauffeur of the car, were shot dead. The police are scouring the city for A. R. Coulson, proprietor of a hatchery and feed store, who is the husband of the wounded woman.

Nobody saw or heard the shooting. About 4 o'clock this morning Jack Ricks, night watchman in a neighboring garage, heard uncertain footfalls outside his office window and found Mrs. Coulson barely conscious. She told her name, muttered that she knew who shot her, and lapsed into unconsciousness.

## SCHMIDT AND MURET COUSINS

### Advices From German Town Says Prisoners May Be Related.

### PLANNED MURDERS

### Detectives Say Murderer Was Going to Add More Crimes to List.

New York, Sept. 19.—Detectives rumaging through the effects of Hans Schmidt, confessed murderer of Anna Amuller, were strengthened today in their belief that he had planned other murders, by finding complete sets of health department blanks necessary to dispose of six bodies, from death certificates to undertakers' permits.

Such blanks are issued by the department only to physicians in good standing, whose records have been rigidly investigated. How Schmidt got them was unknown.

Raking over the past of Ernst Muret, the dentist implicated with Schmidt in counterfeit operations, Inspector Faurot, head of the detective bureau, had this to say:

"I have learned that Dr. Muret was in Chicago at the time of the investigation into the life of Johann Hoch, the Bluebeard of Chicago, in 1905. Hoch was arrested in that year after it was charged he had killed eighteen of his wives. There was a report that the number of wives would reach fifty."

Searching for Other Girl. The discovery of the certificates made the police redouble the vigor of their search for Helen Green, who vanished a month ago after writing Schmidt she could not live without him. She rented a room in an apartment at 201 West Nineteenth street in January, where keeping much to herself, she lived until she left a month ago, saying that she was going to Chicago. Detectives found that Schmidt about the same time rented an apartment nearby to which he sometimes brought a five-year-old boy, who, he told the janitress, was his son.

Inspector Faurot announced today that he was looking for another woman in the church. He gave no details of what her connection with the matter might be. The only other woman whose name has thus far been associated with Schmidt's is known as Helen Green, from a letter found in Schmidt's trunk. Her name was not signed to the letter, but the address and a telephone number led the police to an apartment house where a woman by that name had lived until about a month previously.

Despite protestations of both Schmidt and Muret, the detectives are convinced that they are relatives and today investigated a report from Aachenburg, Germany, Schmidt's native town, to the effect that Muret is really Adolf Mueller, Schmidt's cousin.

## NIGHT JOY RIDE ENDS IN MURDER

### Husband of Woman Kills Two Men and Fatally Wounds Her.

San Francisco, Sept. 19.—As the climax of an all-night joy ride, Mrs. Kate Coulson, 35 years old, was shot in the neck early today and probably will die, while George Kovack, night watchman in a garage, and William Acker, chauffeur of the car, were shot dead. The police are scouring the city for A. R. Coulson, proprietor of a hatchery and feed store, who is the husband of the wounded woman.

Nobody saw or heard the shooting. About 4 o'clock this morning Jack Ricks, night watchman in a neighboring garage, heard uncertain footfalls outside his office window and found Mrs. Coulson barely conscious. She told her name, muttered that she knew who shot her, and lapsed into unconsciousness.

Ricks followed the trail of blood to the near Atlas garage, a block and a half away, and found the bodies of the two men. Bottles of beer, some of them opened and partly empty, showed how the party had been engaged when interrupted.

Coulson was estranged from his wife.

HYLAND AND SHUGRUE. Denver, Colo., Sept. 19.—Fighting Dick Hyland of San Francisco City and "Young Joe" Shugrue of Jersey City went ten whirlwind rounds to a draw with Hyland the aggressor all the way. Hyland was the stronger at the finish.

—PLOWING MATCH. Joliet, Ill., Sept. 19.—Frank Boardman, son of a state representative, won the world's championship plowing stakes at the Wheatland Plowing match yesterday. William Fairweather, many times champion, and winner of last year's match, was second. Among those witnessing the match was James Patterson, who originated the plowing match in 1873.

—WOMAN OF 92 DEAD. Plainfield, N. J., Sept. 19.—Mrs. Charles B. Poucher, said to have been the oldest member of the Daughters of the American Revolution, died here yesterday. She was 92 years old.

## MAYOR GAYNOR'S DEATH PROSTRATES WIFE; AT FARM HOME WILL SEE NO ONE



Mrs. Gaynor's most recent picture. Her daughters Ruth (bottom) and Helen.

Mrs. William J. Gaynor, wife of the dead New York mayor, is prostrated with grief at the Gaynor country residence in Long Island. With her are her daughters Marion, Helen and Ruth, Mrs. Vingut, a married daughter, and her son Norman Gaynor.

## INSANE MAN'S TERRIBLE CRIME

### Discharges Stick of Dynamite in House—Sought to Wipe Out Family.

Bloomington, Ind., Sept. 19.—In a fit of insanity Mack Hurst, 50 years old, a stone mason, blew up his home with dynamite about 3 o'clock this morning, killing himself and one daughter, fatally wounding two other daughters and demolishing the house. Mrs. Hurst, in some remarkable manner, escaped.

MACK HURST, 50 years old, MAUD HURST, 13 years old, Fannie Hurst, 13 years old, one leg blown off, body mangled and almost unrecognizable. Elizabeth Hurst, 6 years old, body mangled.

But little is known of the tragedy beyond the results. Mrs. Hurst, who escaped injury, how she says she goes not know, says that the man awoke the family at 2 o'clock and told them all to gather in his bedroom.

After they had all entered he closed and locked the door and spoke only these five words: "We will all die together."

Then he picked up a stick of dynamite which was lying on the floor near him and threw it under the bed. There was a deafening roar and Mrs. Hurst remembered nothing more until she came to consciousness at the home of a neighbor nearly an hour later.

Police and firemen hastened to the scene and at once began a search of the ruins. The bodies of Hurst and his dead daughter were found in a mass of debris at the rear of the house.

The other two daughters were in another part of the ruins. Both were unconscious and it was some time before they were revived. Neither was able to tell anything of the occurrence. The shock of the explosion wrecked the house and was felt in the whole immediate neighborhood. Hurst, who had not been working, had been acting strangely.

## GAYNOR'S BODY REACHES GOTHAM

### Hundred Policemen Escort Casket From Liner to Home of Late Mayor

### FUNERAL MONDAY

### Body to Lie in State at City Hall—Services at Trinity Church.

New York, Sept. 19.—The body of William J. Gaynor, mayor of New York, who died at sea September 10, lay today in the privacy of his Brooklyn home. In a drizzling rain it was lowered at 4 o'clock this morning from the high deck of the liner Lusitania to the city's boat correction. Through a mist that lay heavy over the harbor, the Correction steamed an hour and a half later to pier A, at the Battery. There a picked squad of 100 police, who had stood all night in the rain, formed its escort to Brooklyn.

The funeral ship glided into the harbor and came to anchor at Quarantine at 1:20 o'clock this morning, the American flag at her stern drooping at half mast.

A dozen stalwart sailors carried the body in its heavy lead casket from the mortuary chapel to the deck. The carpet of flowers under which it lay was removed and only the great American flag placed over the casket at Liverpool, covered it as a windlass lowered it slowly 25 feet down an inclined plane to the deck of the Correction.

Aboard the smaller boat the body was taken to a heavily draped catafalque in the center of the upper deck on which rested a coffin. The body was placed in the coffin and the lid closed; a wreath and a branch of palms were placed above it. The Correction cast off and weighed anchor a short distance away, awaiting the coming day.

The black mist had changed to gray when the engines began to throop and she started on her short journey to the Battery. The rain had ceased. It was full day when the Correction came to rest in her slip. Eight six-foot pall bearers, four in the uniform of the fire department and four in the uniform of the police, each man with a bit of crepe on his sleeve, lifted the casket to their shoulders and bore it over the gang plank to the hearse. The long vigil of the picked squad of mounted police, sent at 9 o'clock last night to the pier, came to an end. They stood at attention, each man at his horse's head, and as the casket was placed in the hearse, and then mounting their horses, led the funeral train through the deserted streets.

His route lay through Lower Broadway and past the City Hall to Brooklyn bridge. Over this bridge, which the mayor had so often trod on his way to and from his home, the funeral party went with measured tread. It was after 8 o'clock when they reached the late mayor's home. There the body was taken to a large room. The committee to prevent the city to receive it withdrew; the hundred policemen clattered back through the streets to their station houses, and the body was left with only the family around it.

It will remain there until tomorrow night. Private funeral services will be held there tomorrow afternoon and at their conclusion the body will be taken to the City Hall, where it will lie in state till Monday morning. The funeral services will be held in Trinity church.

With the committee on funeral arrangements that went down the harbor aboard the Correction were Norman Gaynor, the mayor's son, and Harry Vingut, his son-in-law, representing the family. No other member of the Gaynor household was aboard. It was Mr. Gaynor's wish that as little publicity as possible be attached to the landing of the body. To facilitate this, the spot at which the body would be landed was not made public in advance. With the exception of the mounted police, less than a hundred persons witnessed the transfer from the Correction to the hearse.

## COMPLETION OF THE TARIFF BILL

Washington, Sept. 19.—Two important steps toward completing the tariff bill were made today when the Democratic conferees decided to retain a moderate duty on Angola goat hair and mohair and to free list ferro manganese ore.

The house had passed a duty of 15 per cent ad valorem on ferro manganese ore, of which there are large imports for steel manufacturing purposes. The decision to free list it followed a decision of the conferees to free list pig iron and other cheap grades of iron and cut down the duty on many forms of manufactured iron.

The senate yielded in its demand for free Angola wool and the conferees compromised on Angola wool, mohair and yarns and cloths made from Angola goat hair. The figures adopted were not made public but are understood to be about midway between the house and senate rates. The senate gave way today in its demand for specific rates in the silk schedule levying a definite duty on each pound of imported silk products. The ad valorem plan proposed by the house was adopted with slight reductions on certain articles.

## SULZER'S FRIEND REACHES GOTHAM

### Governor's Special Investigator Goes to Jail on Contempt Charges.

### TAMMANYITES BUSY

### James Garrison Refuses to Answer Questions of the Committee.

Albany, N. Y., Sept. 19.—James C. Garrison, Governor Sulzer's chief graft investigator, who was sent to jail by the assembly at an early hour this morning for alleged contempt of that body in refusing to answer questions, engaged counsel today to bring action looking to his release. His lawyers will confer tonight and make some move in court tomorrow.

Garrison declared in jail today that he would hold every member of the assembly responsible in the courts for his "illegal incarceration." The assembly, which adjourned early this morning, until noon, had not been called to order at 2 o'clock. It seemed almost impossible to secure the necessary quorum for the passage of the additional articles of impeachment against Governor Sulzer, and several of the leaders declared that the new articles would not be pushed to a vote.

Albany, Sept. 19.—Governor Sulzer's personal friend and special graft investigator, James C. Garrison, slept last night in a cell of the Albany county penitentiary. He was rounded to that institution by the sergeant-at-arms of the state assembly for refusing to answer questions put to him by the speaker following arrest on a charge of contempt. The charge grew out of his alleged statement several weeks ago that four legislators sold their votes on the resolution impeaching Governor Sulzer.

Plans by the Sulzer faction today were to obtain a writ of habeas corpus from the supreme court for the release of Garrison. Majority Leader Levy said this morning, however, that such action would be impossible, as the assembly had "plenary power to punish for contempt." The appellate court so held in a similar case several years ago. If the courts should hold this view, Garrison might be kept in prison until next January, when a new legislative convenes. The alleged offense is unattractable, it is said.

The arrest of Garrison came as a climax to an almost all-night session spent by the assembly in an attempt to round up the 75 votes necessary to pass additional articles of impeachment against Governor Sulzer. The body finally adjourned at 2:33 o'clock this morning after an impassioned plea from Majority Leader Levy for a better attendance when the assembly convened at noon today. Telegrams were rushed to anti-Sulzer assemblies who are out of the city urging them to return here immediately. Tammany Leutenants were expected not to permit a single man already in Albany to leave. The assemblymen are therefore virtually prisoners in the city.

Refuses to Answer. While Majority Leader Levy was presenting a resolution calling for the arrest of Garrison, he was held a prisoner in a cloak room. When called before the speaker Garrison was without counsel and he refused to answer questions put to him. A short time later Garrison was being rushed to the penitentiary. An attaché of the institution today said that the prisoner was shown no special favors and that the prison authorities had no order other than to hold him as an ordinary prisoner.

Garrison incurred the enmity of many of Sulzer's political opponents by his activities during the pending impeachment proceedings. He was called the governor's press agent by many.

A session of the court of impeachment was called for 10 o'clock this morning to adopt the rules of procedure. It was indicated before the session opened that the usual procedure of state court of appeals would be followed. There was little likelihood of any testimony being heard today as attorneys for Governor Sulzer planned to fight out their various legal objections before any other business was done.

## TODAY'S GAMES

Games Postponed. Boston, Sept. 19.—(American.)—Boston-Cleveland postponed; rain.

Philadelphia, Sept. 19.—(American.)—St. Louis-Philadelphia game declared off; wet grounds.

Pirates Beat Quakers. Pittsburgh, Sept. 19.—(National.)—First game: Philadelphia 2 4 1; Pittsburgh 3 3 3. Batteries: Major and Kilfliter; Hendrix and Kelly; Simon. (Ten innings.)

Reds Shut Out Dodgers. Cincinnati, Sept. 19.—(National.)—First game: Brooklyn 0 8 0; Cincinnati 1 7 0. Batteries: Tuelbach and Fisher; Packard and Kling. (Ten innings.)

(Additional Sports on Page Two)